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Dara M. Kendall 43,709  
Name of Attorney Registration No.  
*Dara M. Kendall*  
Signature of Attorney



Case 7730R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :

**RABE ET AL.** :

Serial No.: 09/629,734 :

Group Art Unit: 3751

Filed: July 31, 2000 :

Examiner:

For: ELECTROSTATICALLY-SPRAYABLE TOPICAL COMPOSITIONS  
HAVING INSULATING EXTERNAL PHASE AND CONDUCTIVE  
INTERNAL PHASE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made below in a Form PTO-1449 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO-1449 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1. ☐ 37 C.F.R. §1.97 (b)(1) - U.S. Direct (within 3-months of filing a regular application or converted provisional)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(1), is being filed within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2. ☐ 37 C.F.R. §1.97 (b)(2) - Via PCT (within 3 mo. of Nat'l Stage Entry)

This information disclosure statement, submitted under 37 C.F.R. §1.97 (b)(2), is being filed within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application. Therefore, no fee is believed to be due.

3. ☒ 37 C.F.R. §1.97 (b)(3) - (>3 mo. after filing direct or nat'l stage entry, but before 1<sup>st</sup> O.A.)

This information disclosure statement is being submitted under 37 C.F.R. §1.97 (b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter is enclosed to facilitate charging of the fee, if necessary.

**THE FOLLOWING IS ADDITIONAL INFORMATION PERTAINING TO  
(2) OR (3) MARKED WITH AN (X) ABOVE.**

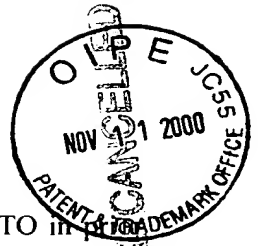
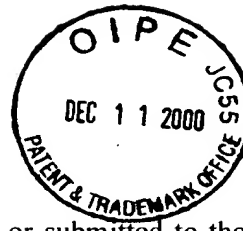
(a) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that both a copy of the International Search Report and copies of the references cited therein are present in the national stage file. In accordance with MPEP §1893.03(g), it is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

(b) ☐ The Notification of Acceptance of this Application Under 35 U.S.C. §371 indicates that a copy of the International Search Report is present in the national stage file. Copies of the references cited in that report are enclosed. It is respectfully requested that the Examiner note the consideration of these references in the first Office Action via the PTO-892 form.

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**4. ☐ 37 C.F.R. §1.97(c) with fee payment - (use after 1<sup>st</sup> Office Action & before Final Office Action or Notice of Allowance)**

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311 as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter is enclosed to facilitate the charging of the fee.

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

☐ (1) Copies of the cited references were previously cited by or submitted to the USPTO in application Case No. \_\_\_\_, U.S. Patent Application Serial No. \_\_, filed \_\_. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of those documents are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d).

OR

☒ (2) Copies of the cited documents are enclosed.

OR

☐ (3) Copies of all said documents, except document No.'s \_\_\_\_, were submitted and considered in parent application U.S. Patent Application Serial No. \_\_\_\_, filed \_\_\_\_\_. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of document No.'s \_\_\_\_ are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of document No.'s \_\_\_\_ are enclosed. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

☐ (4) Pursuant to 37 C.F.R. §1.98(c); a concise explanation of the relevance of each cited reference that is not in the English language is on the attached page, except where a full English language translation is provided.

☒ (5) Applicants also respectfully request the Examiner to consider and make of record the copending applications listed on the attached page, the copies of which are attached.

☐ Additional information is attached.

Respectfully submitted,

By *Dara M. Kendall*  
 Dara M. Kendall  
 Attorney for Applicants  
 Registration No. 43,709  
 (513) 627-0081

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 Miami Valley Laboratories  
 P. O. Box 538707  
 Cincinnati, OH 45253-8707

| <u>Atty. Docket No.</u> | <u>Serial Number</u> | <u>Inventor(s)</u> | <u>Filing Date</u> |
|-------------------------|----------------------|--------------------|--------------------|
| 7729R                   | 09/628,631           | Yen et al.         | 7/31/2000          |
| 7731R                   | 09/629,765           | Rabe et al.        | 7/31/2000          |
| 7732R                   | 09/628,630           | Rabe et al.        | 7/31/2000          |

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Darryl M. Kendall 43,709  
Name of Attorney Registration No.  
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Signature of Attorney



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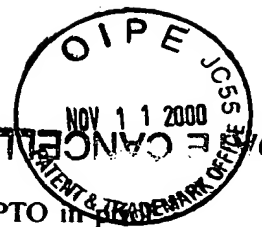
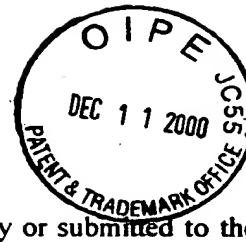
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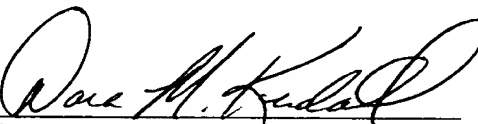
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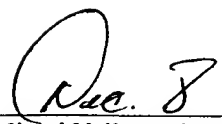
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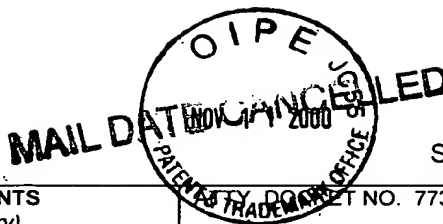
By   
 Dara M. Kendall  
 Attorney for Applicants  
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| <u>Atty. Docket No.</u> | <u>Serial Number</u> | <u>Inventor(s)</u> | <u>Filing Date</u> |
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| 7729R                   | 09/628,631           | Yen et al.         | 7/31/2000          |
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| 7732R                   | 09/628,630           | Rabe et al.        | 7/31/2000          |





FORM PTO-1449

Sheet 1 of 2

|                                                                            |                       |  |                       |
|----------------------------------------------------------------------------|-----------------------|--|-----------------------|
| LIST OF DOCUMENTS CITED BY APPLICANTS<br>(Use several sheets if necessary) | PATENT NO. 7730R      |  | SERIAL NO. 09/629,734 |
|                                                                            | APPLICANT Rabe et al. |  |                       |
|                                                                            | FILING DATE 7/31/2000 |  | GROUP 3751            |

## U. S. PATENT DOCUMENTS

| EXAMINER INITIAL |    | DOCUMENT NUMBER | DATE     | NAME                  | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
|------------------|----|-----------------|----------|-----------------------|-------|-----------|----------------------------|
|                  | 01 | 3,012,969       | 12/12/61 | van der Minne et al.  | 252   | 153       |                            |
|                  | 02 | 4,079,894       | 03/21/78 | Harjar et al.         | 239   | 526       |                            |
|                  | 03 | 4,122,845       | 10/31/78 | Stouffer et al.       | 128   | 66        |                            |
|                  | 04 | 4,143,819       | 03/13/79 | Hastings              | 239   | 707       |                            |
|                  | 05 | 4,194,696       | 03/25/80 | Harjar                | 239   | 707       |                            |
|                  | 06 | 4,258,073       | 03/24/81 | Payne                 | 427   | 1         |                            |
|                  | 07 | 4,776,515       | 10/11/88 | Michalchik            | 239   | 3         |                            |
|                  | 08 | 5,200,248       | 04/06/93 | Thompson et al.       | 428   | 131       |                            |
|                  | 09 | 5,222,663       | 06/29/93 | Noakes et al.         | 239   | 3         |                            |
|                  | 10 | 5,229,105       | 07/20/93 | Wilmsmann             | 424   | 59        |                            |
|                  | 11 | 5,268,166       | 12/07/93 | Barnett et al.        | 424   | 047       |                            |
|                  | 12 | 5,296,681       | 03/22/94 | Tschauder             | 219   | 410       |                            |
|                  | 13 | 5,322,684       | 06/21/94 | Barnett et al.        | 424   | 47        |                            |
|                  | 14 | 5,422,630       | 06/06/95 | Quinn et al.          | 340   | 661       |                            |
|                  | 15 | 5,468,488       | 11/21/95 | Wahi                  | 424   | 78.03     |                            |
|                  | 16 | 5,494,674       | 02/27/96 | Barnett et al.        | 424   | 401       |                            |
|                  | 17 | 5,505,937       | 04/09/96 | Castrogiovanni et al. | 424   | 64        |                            |
|                  | 18 | 5,519,159       | 05/21/96 | Narabe et al.         | 558   | 169       |                            |
|                  | 19 | 5,662,890       | 09/02/97 | Punto et al.          | 424   | 59        |                            |
|                  | 20 | 5,674,481       | 10/07/97 | Wahi                  | 424   | 78.03     |                            |
|                  | 21 | 5,800,816       | 09/01/98 | Brieva et al.         | 424   | 63        |                            |
|                  | 22 | 5,945,111       | 08/31/99 | Esser                 | 424   | 401       |                            |

## FOREIGN PATENT DOCUMENTS

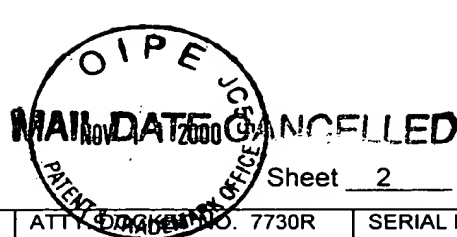
|  |    | DOCUMENT NUMBER | DATE     | COUNTRY       | CLASS | SUB CLASS | TRANSLATION YES | NO |
|--|----|-----------------|----------|---------------|-------|-----------|-----------------|----|
|  | 23 | BE 882,449      | 07/16/80 | Belgium       | B05B  | --        | X               |    |
|  | 24 | BE 882,450      | 07/16/80 | Belgium       | B05B  | --        | X               |    |
|  | 25 | EP 0 096,731    | 12/28/83 | EPO           | A61N  | 1/04      | X               |    |
|  | 26 | EP 0 523 960    | 01/20/93 | EPO           | B05D  | 1/ 04     |                 |    |
|  | 27 | EP 0 523 961    | 01/20/93 | EPO           | B05D  | 1/ 04     |                 |    |
|  | 28 | EP 0 523 962    | 01/20/93 | EPO           | B05D  | 1/ 04     |                 |    |
|  | 29 | EP 0 523 963    | 01/20/93 | EPO           | B05D  | 1/ 04     |                 |    |
|  | 30 | EP 0 523 964    | 01/20/93 | EPO           | B05D  | 1/ 04     |                 |    |
|  | 31 | EP 0 544 158    | 06/02/93 | EPO           | C08F  | 26/06     | X               |    |
|  | 32 | FR 2,127,433    | 10/13/72 | France        | C14   | 11/00     | X               |    |
|  | 33 | GB 2 128 900    | 05/10/84 | Great Britain | B05B  | 5/06      |                 |    |
|  | 34 | GB 2 273 673    | 06/29/94 | Great Britain | B05B  | 5/025     |                 |    |
|  | 35 | GB 2 273 872    | 07/06/94 | Great Britain | B05B  | 5/025     |                 |    |
|  | 36 | JP 7-60166      | 03/07/95 | Japan         | B05B  | 5/025     | X               |    |
|  | 37 | JP 56-097,214   | 08/05/81 | Japan         | A61K  | 7/13      | X               |    |
|  | 38 | JP 10-146216    | 06/02/98 | Japan         | A45D  | 33/38     | X               |    |
|  | 39 | SU 867 927      | 09/30/81 | USSR          | C14B  | 1/54      | X               |    |
|  | 40 | WO 94/11119     | 05/26/94 | PCT           | B05D  | 1/ 04     |                 |    |
|  | 41 | WO 94/27560     | 12/08/94 | PCT           | A61K  | 7/02      |                 |    |
|  | 42 | WO 95/29758     | 11/09/95 | PCT           | B05B  | 5/025     |                 |    |
|  | 43 | WO 96/10459     | 04/11/96 | PCT           | B05B  | 5/057     |                 |    |
|  | 44 | WO 96/11062     | 04/18/96 | PCT           | B05B  | 5/053     |                 |    |
|  | 45 | WO 97/33527     | 09/18/97 | PCT           | A61B  | 19/00     |                 |    |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Patent and Trademark Office - U.S. DEPARTMENT OF COMMERCE



FORM PTO-1449

Sheet 2 of 2

|                                                                            |                       |                       |
|----------------------------------------------------------------------------|-----------------------|-----------------------|
| LIST OF DOCUMENTS CITED BY APPLICANTS<br>(Use several sheets if necessary) | ATTORNEY NO. 7730R    | SERIAL NO. 09/629,734 |
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**OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

|                                                                                                                                                                                                                                          |                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 46                                                                                                                                                                                                                                       | Cook, T.H., et al., "Topographics of Dry Skin, Non-dry Skin, and Cosmetically Treated Dry Skin as Quantified by Skin Profilometry", J. Soc. Cosmet. Chem., Vol. 36, pp. 143-152 (Mar/Apr 1985) |
| 47                                                                                                                                                                                                                                       | Dorogi, P.L., et al., "Assessment of Skin Conditions Using Profilometry", Cosmetics & Toiletries, Vol. 104, pp. 39-44 (Mar 1989)                                                               |
|                                                                                                                                                                                                                                          |                                                                                                                                                                                                |
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|                                                                                                                                                                                                                                          |                                                                                                                                                                                                |
|                                                                                                                                                                                                                                          |                                                                                                                                                                                                |
| <b>EXAMINER</b>                                                                                                                                                                                                                          |                                                                                                                                                                                                |
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